

REMARKS

Claims 23 through 27 and 29 through 44 are presently pending. Claims 1-22, 28, and 31-38 have been cancelled without prejudice or disclaimer. In an office action dated January 20, 2003 (Paper no. 7), claim 28 was objected to as containing new matter. Claims 28-30 were rejected under 5 35 U.S.C. 112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 17 and 20-22 were rejected under 35 USC 103(a) as being unpatentable over Bradley in view of Werling and Filimon. Claims 31, 32 and 36 were rejected under 35 USC 103(a) as being unpatentable over Bradley in view of Werling. 10 Claims 23 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Montoya in view of Werling. Claims 25 and 27 were rejected under 35 USC 103(a) as being unpatentable over Montoya in view of Werling and further in view of Bradley. Claim 26 was rejected under 35 USC 103(a) as being unpatentable over Montoya in view of Werling and Bradley and further in view of Rudrapatna. Claims 33-35 were rejected as being unpatentable over Bradley in view of Werling 15 and further in view of Rudrapatna. These rejections are respectfully traversed. Applicants appreciate the indication by the Examiner that Claims 37 and 38 would be allowable if amended to include all of the limitations of the base claim and any intervening claims.

Objection to the Specification.

Claim 28 has been cancelled in order to expedite prosecution, but the Applicants maintain 20 their position that support for claim 28 is provided at page 23, lines 24 through 31, where handover commands are generated and transmitted to the user. In one exemplary embodiment, "monitoring a signal strength of the directional wireless device at the directional wireless device" comprises monitoring these received signals. The construction adopted by the Examiner, i.e. that the signal strength must be the transmitted signal strength, is not required by the clear language of the 25 claims and is therefore improper. However, the cancellation of claim 28 for the purpose of expediting prosecution and issuance of the pending claims renders this moot.

Rejections under 35 USC 103.

Claims 17 and 20-22 were rejected under 35 USC 103(a) as being unpatentable over

Bradley in view of Werling and Filimon. Claims 31, 32 and 36 were rejected under 35 USC 103(a) as being unpatentable over Bradley in view of Werling. Claims 23 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Montoya in view of Werling. Claims 25 and 27 were rejected under 35 USC 103(a) as being unpatentable over Montoya in view of Werling and further  
5 in view of Bradley. Claim 26 was rejected under 35 USC 103(a) as being unpatentable over Montoya in view of Werling and Bradley and further in view of Rudrapatna. Claims 33-35 were rejected as being unpatentable over Bradley in view of Werling and further in view of Rudrapatna. These rejections are respectfully traversed.

The Applicants maintain their position that the rejection of these claims is improper for the  
10 reasons previously provided, but have elected to take the claims that have been indicated to be drawn to allowable subject matter in order to expedite prosecution. In particular, it is noted that the Examiner has stated in the reasons for allowance for claims 37 and 38 that they "teach towards a directional wireless device and cellular system, in which the device may be handed over to another cell based on a detected change in orientation of the user, and wherein handover is facilitated by  
15 allocating call resources at every cell which encircles the cell the user is in." Notwithstanding this statement of the reasons for allowance, the Applicants note that claim 37 included "wherein allocating call resources at one or more adjacent cells comprises allocating call resources at each cell encircling the user," and that claim 38 included "handing over the user to a cell from a set of cells that encircle the user and that each have allocated call resources awaiting the handoff." As  
20 the term "every cell which encircles the cell the user is in" is not included in the allowed claims and is different from "at each cell encircling the user," in regards to claim 37, and is also different from "a set of cells that encircle the user," in regards to claim 38, the Applicants wish to clarify that the construction of those claims is not limited to the terminology used in the reasons for allowance, but rather to the claims as worded and any equivalents thereof.

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CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and entry of this Amendment After Final, withdrawal of the rejections and a Notice of Allowance are courtcously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 969-4669 is hereby requested prior to the issuance of a second office action so that such impediments may be resolved as expeditiously as possible.

No additional fee is believed to be due with this amendment. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

Respectfully submitted,

  
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